IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 20396 of 2004

Between:

Bangaru Ravi Kumar, S/o B.Bhaskara Rao,
R/o Near Karamchedu reilway gate, Johnpeta, Perala, Chirala Mandal,
Prakasam District

..... PETITIONER

AND

1 Acharya Nagarjuna University, Nagarjuna Nagar, Guntur District
rep.by its Registrar
2 The Director, Director of Admissions, Acharya Nagarjuna University,
Nagarjuna Nagar, Guntur District
3 V.S.R.and Y.R.N.College, Chirala, Prakasam District
rep.by its Principal

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus or any other appropriate Writ or direction declaring the action of the respondents 2 and 3 in not permitting the petitioner to pursue M.B.A. Course even though he was admitted on 2-8-2004 as illegal, arbitrary and consequently direct the respondent to permit the petitioner to pursue M.B.A.course in the 3rd respondent college

Counsel for the Petitioner : MR. O.MANOHER REDDY

Counsel for the Respondents : MR.T.S.HARNATH

The Court made the following :

THE HON'BLE MS. JUSTIC G.ROHINI

WRIT PETITION NO.20396 OF 2004

ORDER :

The petitioner seeks a Writ of Mandamus declaring the alleged action of the respondents 2 and 3 in not permitting him to pursue MBA Course in the third respondent College even though he was admitted on 02-08-2004 as arbitrary and illegal.

In the affidavit filed in support of the writ petition, it is stated that the petitioner appeared for the Integrated Common Entrance Test (ICET) – 2004 held on 29-05-2004 for admission into MBA and MCA Courses and secured a rank of 46482. Thereafter, he attended the interview held on 02-08-2004 and he was given admission in the third respondent

College under the Reservation Category SC-'C' and allotment slip dated 02-08-

2004 was issued to him. He states that in pursuance thereof he started attending the third respondent College from 04-08-2004 and he was given Temporary Roll No.34. However, after few days, when another student started answering the said Roll Number, on verification it was found that the name of the petitioner has not been entered in the Attendance Register. On 19-10-2004, the petitioner made an application to the third respondent College for return of the original certificates so as to enable him to make an application for grant of scholarship under Scheduled Caste category. The third respondent informed him that his name has not been found in the list of candidates admitted into MBA course during the year 2004-05 sent by the second respondent. Though the petitioner approached the 2nd respondent, no action has been taken. Hence, this writ petition seeking the above relief.

This Court, by order, dated 08-11-2004, directed Rule Nisi and in the interim application filed by the petitioner seeking permission to permit him to attend the MBA course in the third respondent College, notice to the respondents was ordered. Thereafter, the petitioner filed a fresh application on 03-12-2004 seeking a direction to the respondents to permit him to appear for the 1st semester examinations scheduled to commence from 07-12-2004 onwards.

When the said application has come up for consideration, since the counter-affidavits have already been filed on behalf of the respondents, with the consent of the learned Counsel for both the parties, the main Writ Petition itself is heard.

It is to be noted that on behalf of the respondents 1 and 2 the Director, Directorate of Admissions, Acharya Nagarjuna University, filed a counter-affidavit stating that the petitioner attended for counselling on 02-08-2004 and he was allotted to the third respondent College. However, the petitioner though reported to the college on 03-08-2004, thereafter did not attend the college and he was absent continuously. In the circumstances, in terms of the Regulation-XII (13) of the Rules & Regulations supplied to all candidates including the petitioner which provides that if the student is absent continuously for a period of one month without prior permission from the competent authority, his name shall be removed from the rolls without any

notice, another candidate was given admission in the seat allotted to the petitioner.

On behalf of the third respondent College, the Principal of the College filed a separate counter-affidavit stating that the petitioner submitted his allotment slip on 03-08-2004 in which he was shown as allotted to the third respondent College against Seat No.21. On 24-08-2004 the 2nd respondent called upon the third respondent College to submit a list of candidates admitted in the college by furnishing the copies of the allotment slips. Pursuant thereto, the third respondent college submitted a list of 65 students basing on the receipt of allotment slips to the 2nd respondent. Then, the office of the 2nd respondent gave a list of 55 names showing vacancies against many seats and as against Sl.No.21 the name of one Mr. B.Ravi Kumar with Rank No.30136 was found. It is not known as to whether the said B.Ravi Kumar is the petitioner or not, since the rank number of the petitioner and the candidate whose name was shown in the list differs and nobody by name Mr. B.Ravi Kumar with Rank No.30136 had reported to the college with allotment slip and moreover Original Certificates were also not received from the University for verification. Thereafter, the third respondent College submitted a final list in which against Sl.No.27 shown as vacant and in which also the name of the petitioner's was not shown as well as in the Attendance Register. While so, on 15-10-2004 the petitioner approached the third respondent College and sought for a copy of the allotment slip and the same was furnished to him. Subsequently, on 19-10-2004 the petitioner again approached the third respondent College for return of the original certificates and as such the third respondent college addressed a letter to the 2nd respondent University under intimation to the petitioner. But, so far no reply is received form the 2nd respondent University. Thereafter, neither the petitioner nor the University had interacted with the third respondent college. It is also stated that the classes of MBA course commenced on 05-08-2004 and though the petitioner's name was shown in the Attendance Register, he never attended the College at any point of time till the end of August, 2004 and since he is not attending to the College it was presumed that he was slided and allotted to another college and as such his name was not shown in the Attendance Register from September, 2004 onwards. It is also categorically stated that except presenting the allotment slip on 03-08-2004, the petitioner never attended the classes and for the first time sought for a copy of the allotment slip on 15-10-2004 and then made a representation on 19-10-2004 for return of the original certificates.

Though the petitioner filed an affidavit-in-reply disputing the stand taken by the third respondent College, even as per his version in the reply affidavit he has not attended the college from 23-08-2004 onwards. Thereafter, he approached the third respondent College only on 19-10-2004 for return of the original certificates. Subsequently, this writ petition has been filed on 04-11-2004. What happened in the meanwhile and why the petitioner if he was really not allowed to continue the course, has kept quiet for a period of about two months is not known.

The learned Counsel for the petitioner submits that once the petitioner is given admission in the third respondent College, he is entitled to continue the Course. He contends that the petitioner is deprived of the admission into the course due to the mistake on the part of the respondents in allotting the seat simultaneously to some other candidate and therefore it is necessary in the interest of justice to permit the petitioner to pursue the MBA Course in the third respondent College.

The learned Counsel appearing for the respondents 1 and 2 across the Bar submits that the petitioner being a candidate who secured admission under the reserved category of SC-'C', he was exempted from payment of any fee and except reporting to the college on 03-08-2004, he never attended the classes and therefore the seat initially allotted to him was rightly allotted to some other candidate and there is absolutely no justifiable reason to find fault with the procedure adopted by the respondents.

As can be seen from the material on record, the fact that the petitioner was given admission in the third respondent College is not in dispute. From the counter-affidavit of the third respondent College, it appears that the petitioner's name was also shown in the Attendance Register initially in the month of August, 2004. However, the specific case of the respondents is that except presenting the allotment slip on 03-08-2004 in the third respondent College, the petitioner never attended the classes and therefore his name was not shown in the Attendance Register from 1st September, 2004 onwards. In view of what has been stated by the respondents in their counter-affidavits and in the absence of any material to

establish the petitioner's plea, I am unable to accept the plea of the petitioner that he attended the classes for a few days upto 23-08-2004 and that when another student answering the roll number, he came to know that his name has not been entered in the Attendance Register. Having regard to the facts and circumstances, I do not find any reason to disbelieve the version of the respondents that from 1st September, 2004 onwards the name of the petitioner did not appear in the Attendance Register since he failed to attend the college. Even according to the petitioner, one Bheema Sandhya Devi, D/o. Ramamohan Rao has already been allotted the seat in the place of the petitioner, but the said candidate is not made a party to the writ petition. At any rate, on the basis of the material on record, I do not find any justifiable reason to hold that the procedure adopted by the respondents in deleting the name of the petitioner is arbitrary or illegal or on account of any mistake on the part of the respondents. The writ petition appears to be an after-thought and since admittedly the 1st semester of MBA Course has already been completed and the examinations are scheduled to be held from 07-12-2004, the directions as sought by the petitioner to admit him into the MBA course and to permit him to appear for examinations cannot be granted.

Accordingly, the Writ Petition is dismissed. No costs.

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08th December, 2004.

Gbs

To

1 The Registrar, Acharya Nagarjuna University, Nagarjuna Nagar, Guntur District.
2 The Director, Director of Admissions, Acharya Nagarjuna University, Nagarjuna Nagar, Guntur District
3 The Principal, V.S.R.and Y.R.N.College, Chirala, Prakasam District
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